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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,165	10/31/2003	Jonathan D. Herbach	07844-623001	1607

21876 7590 04/28/2011	EXAMINER	
FISH & RICHARDSON P.C.	DUNN, DARRIN D	
P.O. Box 1022		
MINNEAPOLIS, MN 55440-1022	ART UNIT	PAPER NUMBER
	2121	

NOTIFICATION DATE	DELIVERY MODE
04/28/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

	Application No.	Applicant(s)
Office Action Summary	10/699,165	HERBACH ET AL.
	Examiner	Art Unit	
	DARRIN DUNN	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 October 2010</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-8,23-29 and 35-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>3-8</u> is/are allowed.

6)☒ Claim(s) <u>1-2, 23-29, 35, 37-41</u> is/are rejected.

7)☒ Claim(s) <u>36</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No.(s)/Mail Date <u>1/5/2011 11/10/2010</u>

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The Office Action is responsive to the communication filed on 10/26/2010.

2.   Claims 1-8, 23-29, and 35-41 are pending in the application.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/10/2010 has been entered.

Allowable Subject Matter

4.   Claims 3-8 are allowed. Claim 36 is objected to.

Response to Amendment

5.   The amendment, filed on 10/26/2010, has been entered.

Response to Arguments

6.   Applicant's arguments with respect to claims 1, 3, and 23 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

9.   Claims 1 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hildebran et al. (PG/Pub 20040103202) in view over Wood et al. (USPN 6944761) and in

further view over MacInnis (PG/Pub 20030028899)

10.   As per claims 1 and 23, Hildebran et al. teaches a method comprising:

receiving, at a server, a request from a client to take an action with respect to an electronic

document residing at the client ([0013], [0014], [0048], [0067], [0124], [0174] e.g., it is implied

that secured documents reside in the client and that a server grants access to the document);

retrieving a document identifier from the request ([0013] e.g., a secured documents includes a

header)

determining whether user authentication is needed based on the document identifier and the

action ([0048], [0083, [0123]);

subsequent to retrieving the document identifier <u>and based on determining whether user</u> <u>authentication is needed ([0013], [0048], [0083], [0123]</u>

However, Hildebran et al. does not teach sending information specifying an acceptable authentication procedure. Wood et al. teaches sending information specifying an acceptable authentication procedure ([Col 12 lines 1-10] e.g., sending information, i.e., querying authorization component, to identify a set of authentication schemes, i.e., authentication procedures);

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation provide a number of authentication schemes based on a required trust level of the user. Hildebran et al. teaches accessing secured documents ([0013]) Wood teaches that multiple authentication schemes (passwords, biometrics, smart cards, etc) are associated with trust levels of both a user and a resource ([Col 2 lines 58-67]) Since a resource, i.e., document, may require levels of trust and thus different levels of authentication schemes, it would have been obvious to implement these schemes when accessing a secured resource or document.

receiving an authentication procedure update request (e.g. user selecting from the suitable authentication schemes and/or selecting a different scheme. An update request is interpreted as receiving a new value from the user for a desired scheme) from the client in response to client processing of the information (e.g., client processing a set of authentication schemes) specifying an acceptable authentication procedure ([Col 12 lines 1-20] e.g., an authentication procedure is interpreted as a name of the procedure such as login, biometric, and/or smart card. It is interpreted that a software program is the code for effectuating the specific authentication scheme/authentication procedure);

However, Hildebran et al., as modified, does not teach the following limitations. (It is interpreted that a login component and biometric interface are programs that effectuate the type of authentication procedure. For purposes of the discussion below, a server is modified to include programs such as a login program and/or biometric program that may be used to effectuate authentication. A software version check is performed in response to the user selecting a scheme to ensure that the software for the scheme is updated). MacInnis teaches

obtaining, at the server and in response to the authentication procedure update request, a software program (e.g., as modified, login or biometric program) comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure ([0012] a login program would effectuate a login procedure); and

sending the software program to the client for use in identifying a current user (e.g. user authentication) and controlling the action (e.g. based on the result of authentication, access to the document is granted or denied) with respect to the electronic document based on the current user and document-permissions information associated with the electronic document ([0012])

Therefore, at the time the invention was made, one of ordinary skill in the art would have motivation to ensure that the login and/or biometric software used for the selected login/biometric schemes is updated. Wood teaches that multiple authentication schemes are received and may be selected for use in authenticating a user. MacInnis teaches that multiple software programs may downloaded to a client for use by the client. Since a login and/biometric application is a program, it would have been obvious to store these in the server for later download. It is obvious that the download would be triggered based upon a user selecting a potentially out of data scheme.

5.   Claims 2, 24 ,and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hildebran et al. (PG/Pub 20040103202) in view over Wood et al. (USPN 6944761) in view over

MacInnis (PG/Pub 20030028899) in view over Heath et al. (USPN 6006034) and in further view

over Kano et al. (USPN 20030135650)

6.   As per claims 2, 24, and 35, Hildebran et al. does not teach a second server providing the

software program. Kano et al. teaches a backup server ([ABSTRACT])

        Therefore, at the time the invention was made, one of ordinary skill in the art would have

motivation to include a backup server as a means of providing redundancy. In the event of a

failure of the primary server, it would have been beneficial to utilize a backup server as a means

of distributing the software program, modules, and versions as they become available.

5.   As per claims 4 and 37, Hildebran et al. teaches software program uses an existing

interface provided by the client to communicate authentication information to the server ([FIG

1A])

6.   Claims 5, 26, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hildebran et al. (PG/Pub 20040103202) in view over Wood et al. (USPN 6944761) in view over

MacInnis (PG/Pub 20030028899) further view over view over Hu (USPN 5586260)

7.   As per claims 5, 26, and 38, Hildebran et al., as modified, teaches receiving credentials

information from the client derived at least in part based on input obtained by the client using the

software program (e.g., supra claim 1) but does not teach communicating with a third part

authentication server to authenticate the current user based on the credentials information. Hu

teaches a third party authentication server ([ABSTRACT])

Therefore, at the time the invention was made, one of ordinary skill in the art would have

motivation to implement a third party authentication server as taught by Hu et al. Hu teaches a

method for authenticating a client for a server. Hildebran et al. teaches a system for

authenticating a user/client to enable access to content stored on a server. Since a third party

authentication server provides a well known means in which to maintain, store, and retrieve

credentials, it would have been advantageous to provide this server as an additional means, in

effect providing both redundancy in addition to reducing load on the primary server.

8.   As per claims 6 and 39 Hildebran et al. teaches the method of claim 5, wherein the input

obtained by the client comprises text input ([Col 12 lines 1-10 e.g., login/password]).

9.   As per claims 7 and 40, Hildebran et al. teaches the method of claim 5 wherein the input

obtained by the client comprises biometric data (Col 12 lines 1-10] e.g. biometric scheme).

10.   As per claims 8,27, 38, and 41, Hildebran et al., as modified., teaches receiving input

from a client using the software (e.g., login/biometric software). It does not teach receiving an

authentication receipt from a third party authentication server based on input obtained by the

client using the software. Hu teaches returning an access key from an authentication gateway

acting as a proxy server to the client, i.e., receipt, based on credentials ([ABSTRACT], [COL 1

lines 58-63] e.g., receiving an authentication receipt from a third party authentication server) and

verifying the current user with the third party authentication server using the authentication

receipt ([COL 1 lines 18-20], lines 59-63], [ABSTRACT] e.g., authenticating a client)

Therefore, at the time the invention was made, it would have been obvious to have provided a

means in which to authenticate a client via saving security credentials,. Hildebran et al. teaches

authenticating a user via credentials as to enable access to content on a server. Hu et al. teaches

saving security credentials for later use and generating an access key for their retrieval and

passing the access key to the client. In effect, saving the security credentials for later use and

providing an access key for their retrieval obviates the need for repeated authentication. As a

result, the system is further optimized and limits redundant authentication procedures.

11.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebran et al.

(PG/Pub 20040103202) in view over Wood et al. (USPN 6944761) in view over MacInnis

(PG/Pub 20030028899) and in further view over Boozer et al. (USPN 7370344)

12.   As per claim 25, Hildebran et al., as modified, teaches the system of claim 23 but does

not teach wherein the client includes a security handler. Boozer et al. teaches a security handler

(64) for receiving a request and examining whether the request should be granted ([Col 2 lines

20-29])

        Therefore, at the time the invention was made, one of ordinary skill in the art would have

motivation to modify Hildebran et al. to integrate a security handler, as per Boozer et al., to

verify whether a request to access content within the media server should be granted. The

motivation is to cope with a diverse set of users and ensure that only trusted users may gain

initial access to the information. The security handler provides an additional layer of protection

on top of the download manager's authentication procedure.

19.   As per claim 28, Hildebran et al., as modified, teaches a server comprising:

        a server core with configuration and logging components ([0013)

        an internal services component that provides functionality across dynamically loaded

methods ([0013])

dynamically loaded external services providers, including an authentication service

provide ([0023], [Figure 1D)

20.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebran et al.

(PG/Pub 20040103202) in view over Wood et al. (USPN 6944761) in view over MacInnis

(PG/Pub 20030028899) and in further view over Tenerelllo (USPN 7233981)

7.   As per claim 29, Hildebran et al. teaches a business logic tier comprising a cluster of

document control servers ([Figure 1D); an application tier including the client comprising a

viewer client, a securing client, and an administration client ([FIG 1D]). However, Hildebran et

al. does not teach a load balancer that routes client requests to the document control server.

Tenerello teaches a system and method for load balancing ([COL 1 lines 14-20], [COL 2 lines

63-67])

Therefore, at the time the invention was made, one of ordinary skill would have motivation

to load balance a system. Hildebran et al. teaches that various user computers may access

content objects ([Figure 1D]) Tenerello teaches a load balancing means in which multiple

requests may be efficiently processed. Since load balancing increases performance of a system,

it would have been obvious to have enabled a system employing multiple user computers, each

requesting access to a resource, a means to load balance the requests as to optimize the system.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DARRIN DUNN whose telephone number is (571)270-1645.

The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Albert DeCady can be reached on (571) 272-3819. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DD/   /Albert DeCady/
04/23/2011   Supervisory Patent Examiner
                                                        Art Unit 2121